

REFERENCE TITLE: voter registration list; deleted names

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2573**

Introduced by  
Representatives Stevens, Antenori, Gowan: Ash, Burges, Court, Jones,  
Lesko, Montenegro, Seel, Tobin

AN ACT

AMENDING SECTION 16-168, ARIZONA REVISED STATUTES; RELATING TO VOTER  
REGISTRATION ROLLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-168, Arizona Revised Statutes, is amended to  
3 read:

4 16-168. Precinct registers; date of preparation; contents;  
5 copies; reports; statewide database; violation;  
6 classification

7 A. By the tenth day preceding the primary and general elections the  
8 county recorder shall prepare from the original registration forms or from  
9 electronic media at least four lists that are printed or typed on paper of  
10 all qualified electors in each precinct in the county, and the lists shall be  
11 the official precinct registers.

12 B. The official precinct registers for use at the polling place shall  
13 contain at least the names in full, party preference, date of registration  
14 and residence address of each qualified elector in the respective precincts.  
15 The names shall be in alphabetical order and, in a column to the left of the  
16 names, shall be numbered consecutively beginning with number 1 in each  
17 precinct register.

18 C. For the purposes of transmitting voter registration information as  
19 prescribed by this subsection, electronic media in counties with a population  
20 over five hundred thousand persons in the last decennial census shall be the  
21 principal media. A county or state chairman who is eligible to receive  
22 copies of precinct lists as prescribed by this subsection may request that  
23 the recorder provide a paper copy of the precinct lists. The county  
24 recorder, in addition to preparing the official precinct lists, shall provide  
25 a means for mechanically or electronically reproducing the precinct lists and  
26 unless otherwise agreed shall deliver within eight days after the close of  
27 registration for the primary and general elections, without charge, on the  
28 same day one electronic media copy of each precinct list within the county to  
29 the county chairman and one electronic media copy to the state chairman of  
30 each party that has at least four candidates other than presidential electors  
31 appearing on the ballot in that county at the current election. The county  
32 recorder shall also deliver, on request and without charge, one electronic  
33 media copy of the precinct list to the Arizona legislative council. The  
34 county recorder of a county with a population of five hundred thousand or  
35 fewer persons, on the same day precinct lists are delivered to county  
36 chairmen, shall deliver one electronic media copy of each precinct list  
37 within the county to the state chairman of each party that has at least four  
38 candidates other than presidential electors appearing on the ballot in this  
39 state at the current election. The copies of the precinct lists shall be  
40 electronic media and shall include for each elector the following  
41 information:

- 42 1. Name in full and appropriate title.
- 43 2. Party preference.
- 44 3. Date of registration.

- 1           4. Residence address.
- 2           5. Mailing address, if different from residence address.
- 3           6. Zip code.
- 4           7. Telephone number if given.
- 5           8. Birth year.
- 6           9. Occupation if given.
- 7           10. Voting history for all elections in the prior four years and any
- 8 other information regarding registered voters that the county recorder or
- 9 city or town clerk maintains electronically and that is public information.
- 10          11. NAME, ADDRESS AND ANY OTHER VOTER REGISTRATION INFORMATION FOR
- 11 PERSONS DELETED FROM THE VOTER REGISTRATION ROLLS SINCE THE LAST PREPARATION
- 12 OF THE PRECINCT LIST, INCLUDING THE INFORMATION PRESCRIBED IN PARAGRAPHS 1
- 13 THROUGH 9 OF THIS SUBSECTION FOR EACH PERSON DELETED.
- 14          D. The names on the precinct lists shall be in alphabetical order and
- 15 the precinct lists in their entirety, unless otherwise agreed, shall be
- 16 delivered to each county chairman and each state chairman within ten business
- 17 days of the close of each date for counting registered voters prescribed by
- 18 subsection G of this section other than the primary and general election
- 19 registered voter counts in the same format and media as prescribed by
- 20 subsection C of this section. During the thirty-three days immediately
- 21 preceding an election and on request from a county or state chairman, the
- 22 county recorder shall provide a daily list of persons who have requested an
- 23 early ballot and shall provide a weekly listing of persons who have returned
- 24 their early ballots. The recorder shall provide the daily and weekly
- 25 information through the third day preceding the election.
- 26          E. Precinct registers and other lists and information derived from
- 27 registration forms may be used only for purposes relating to a political or
- 28 political party activity, a political campaign or an election, for revising
- 29 election district boundaries or for any other purpose specifically authorized
- 30 by law and may not be used for a commercial purpose as defined in section
- 31 39-121.03. The sale of registers, lists and information derived from
- 32 registration forms to a candidate or a registered political committee for a
- 33 use specifically authorized by this subsection does not constitute use for a
- 34 commercial purpose. The county recorder, on a request for an authorized use
- 35 and within thirty days from receipt of the request, shall prepare additional
- 36 copies of an official precinct list and furnish them to any person requesting
- 37 them on payment of a fee equal to five cents for each name appearing on the
- 38 register for a printed list and one cent for each name for an electronic data
- 39 medium, plus the cost of the blank computer disk or computer software if
- 40 furnished by the recorder, for each copy so furnished.
- 41          F. Any person in possession of a precinct register or list, in whole
- 42 or part, or any reproduction of a precinct register or list, shall not permit
- 43 the register or list to be used, bought, sold or otherwise transferred for
- 44 any purpose except for uses otherwise authorized by this section. A person

1 in possession of information derived from voter registration forms or  
2 precinct registers shall not distribute, post or otherwise provide access to  
3 any portion of that information through the internet, except as authorized by  
4 subsection I of this section. Nothing in this section shall preclude public  
5 inspection of voter registration records at the office of the county recorder  
6 for the purposes prescribed by this section, except that the month and day of  
7 birth date, the social security number or any portion thereof, the driver  
8 license number or nonoperating identification license number, the Indian  
9 census number, the father's name or mother's maiden name, the state or  
10 country of birth and the records containing a voter's signature shall not be  
11 accessible or reproduced by any person other than the voter, by an authorized  
12 government official in the scope of the official's duties, for signature  
13 verification on petitions and candidate filings, for election purposes and  
14 for news gathering purposes by a person engaged in newspaper, radio,  
15 television or reportorial work, or connected with or employed by a newspaper,  
16 radio or television station or pursuant to a court order. A person who  
17 violates this subsection or subsection E of this section is guilty of a class  
18 6 felony.

19 G. The county recorder shall count the registered voters by political  
20 party by precinct, legislative district and congressional district as  
21 follows:

22 1. In even numbered years, the county recorder shall count all persons  
23 who are registered to vote as of:

- 24 (a) January 1.
- 25 (b) March 1.
- 26 (c) June 1.
- 27 (d) The last day on which a person may register to be eligible to vote  
28 in the next primary election.
- 29 (e) The last day on which a person may register to be eligible to vote  
30 in the next general election.
- 31 (f) The last day on which a person may register to be eligible to vote  
32 in the next presidential preference election.

33 2. In odd numbered years, the county recorder shall count all persons  
34 who are registered to vote as of:

- 35 (a) January 1.
- 36 (b) April 1.
- 37 (c) July 1.
- 38 (d) October 1.

39 H. The county recorder shall report the totals to the secretary of  
40 state as soon as is practicable following each of the dates prescribed in  
41 subsection G of this section. The report shall include completed  
42 registration forms returned in accordance with section 16-134, subsection B.  
43 The county recorder shall also provide the report in a uniform electronic  
44 computer media format that shall be agreed ~~upon~~ ON between the secretary of

1 state and all county recorders. The secretary of state shall then prepare a  
2 summary report for the state and shall maintain that report as a permanent  
3 record.

4 I. The county recorder and the secretary of state shall protect access  
5 to voter registration information in an auditable format and method specified  
6 in the secretary of state's electronic voting system instructions and  
7 procedures manual that is adopted pursuant to section 16-452.

8 J. The secretary of state shall develop and administer a statewide  
9 database of voter registration information that contains the name and  
10 registration information of every registered voter in this state. The  
11 database shall include an identifier that is unique for each individual  
12 voter. The database shall provide for access by voter registration officials  
13 and shall allow expedited entry of voter registration information after it is  
14 received by county recorders. As a part of the statewide voter registration  
15 database, county recorders shall provide for the electronic transmittal of  
16 that information to the secretary of state on a daily basis. The secretary  
17 of state shall provide for maintenance of the database, including provisions  
18 regarding removal of ineligible voters that are consistent with the national  
19 voter registration act of 1993 (P.L. 103-31; 107 Stat. 77; 42 United States  
20 Code section 394) and the help America vote act of 2002 (P.L. 107-252; 116  
21 Stat. 1666; 42 United States Code sections 15301 through 15545), provisions  
22 regarding removal of duplicate registrations and provisions to ensure that  
23 eligible voters are not removed in error.

24 K. Except as provided in subsection L of this section, for requests  
25 for the use of registration forms and access to information as provided in  
26 subsections E and F of this section, the county recorder shall receive and  
27 respond to requests regarding federal, state and county elections.

28 L. Beginning January 1, 2008, recognized political parties shall  
29 request precinct lists and access to information as provided in subsections E  
30 and F of this section during the time periods prescribed in subsection C or D  
31 of this section and the county recorder shall receive and respond to those  
32 requests. If the county recorder does not provide the requested materials  
33 within the applicable time prescribed for the county recorder pursuant to  
34 subsection C or D of this section, a recognized political party may request  
35 that the secretary of state provide precinct lists and access to information  
36 as provided in subsections E and F of this section for federal, state and  
37 county elections. The secretary of state shall not provide access to  
38 precinct lists and information for recognized political parties unless the  
39 county recorder has failed or refused to provide the lists and materials as  
40 prescribed by this section. The secretary of state may charge the county  
41 recorder a fee determined by rule for each name or record produced.

42 M. For municipal registration information in those municipalities in  
43 which the county administers the municipal elections, county and state party  
44 chairmen shall request and obtain voter registration information and precinct

1 lists from the city or town clerk during the time periods prescribed in  
2 subsection C or D of this section. If the city or town clerk does not  
3 provide that information within the same time prescribed for county recorders  
4 pursuant to subsection C or D of this section, the county or state party  
5 chairman may request and obtain the information from the county recorder.  
6 The county recorder shall provide the municipal voter registration and  
7 precinct lists within the time prescribed in subsection C or D of this  
8 section.